

WHTI testimony- Canadian Parliament

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Canadian Standing Senate Committee on Banking, Trade, and Commerce
Western Hemisphere Travel Initiative

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Thank you, Senator Grafstein and Senator Angus, for inviting me to testify before the Canadian Senate Committee on Banking, Trade, and Commerce on the Western Hemisphere Travel Initiative (WHTI). I appreciate the opportunity to offer my perspective on WHTI and the importance of keeping the U.S.-Canadian border open for business.

Senators, as you know, the United States and Canada are bound by shared values, culture, history, and geography. I represent a Congressional district that includes Niagara Falls and Buffalo, New York. Given our close proximity to your country, my constituents do not think of Canada as another country, but as one community closely intertwined.

More than a relationship of shared proximity and principles, the northern border represents a major component of our global economy. U.S.-Canada trade supports 5.2 million jobs and generates tens of billions of dollars in annual revenue. Western New York includes four bi-national bridges, including the Peace Bridge in Buffalo, which is the nation's second busiest border crossing. \$160 million in trade and 20,000 vehicles cross the Peace Bridge each day.

In addition to its importance to international trade, the Niagara frontier is a gateway for millions of tourists every year. Tourism is the fastest growing industry in Buffalo-Niagara. The local economy is heavily dependent on Canadian visits to our sporting events, cultural institutions, and local wineries. A loss of just a fraction of Canadian visitors to Buffalo-Niagara would cripple an already fragile Western New York economy.

WHTI's economic consequences for Western New York are but a microcosm of what will play out all along both sides of the U.S.-Canadian border come January 2008, unless the U.S. Congress requires the Department of Homeland Security (DHS) and the Department State (State) to change course. The problems on the U.S.-Mexico border are not the same as the problems on the U.S.-Canada border. I am convinced that WHTI - as envisioned by the Bush Administration - will destroy the dynamics of our shared border communities by requiring expensive and time-consuming documents for those who wish to cross it.

In the post 9-11 world, it is imperative that we know that those entering our countries are who they say they are, mean us no harm, and have the secure documents to prove it. And that is why the U.S. Congress, based on a recommendation by the 9/11 Commission, included the WHTI provision in their 2004 Intelligence Reform bill. The WHTI provision requires DHS and State to implement a plan by 2008 that will require travelers re-entering the U.S. from the Western Hemisphere to present documents denoting both identity and citizenship.

What has gotten lost amidst the WHTI debate is that the 9/11 Commission recognized the political and economic importance of keeping our border open to legitimate travelers. In their report, the commissioners noted that, "[o]ur border screening system should check people efficiently and welcome friends. Admitting large numbers of students, scholars, businesspeople, and tourists fuels our economy, cultural vitality, and political reach." The 9/11 Commission understood, and unfortunately DHS and State have forgotten, that it is imperative border policies improve both our homeland security and economic security.

The Intelligence Reform bill clearly gives the Bush Administration the discretion to accept alternative documents that are as secure as a passport. But if these alternative documents - such as the currently proposed Peoples Access Security Services (PASS) card - are prohibitively expensive or take four to six weeks to receive, cross-border travel will dry up and both our countries will feel the economic pain.

Congress did not intend for WHTI to close our borders to legitimate trade and travel. Regrettably, it appears that we are headed in that direction.

In sum, there is much at stake for both the U.S. and Canada if WHTI is implemented poorly. While some may wish for nothing more than for WHTI to go away, it is very unlikely that Congress will rescind it. The challenge is to figure out how to implement WHTI in a way that increases security without causing unintentional economic harm.

I have a few ideas that I think answer this challenge and improves WHTI. They are wrapped into legislation I introduced this week called the Protecting American Commerce and Travel Act.

The PACT Act has two parts. The first extends the WHTI deadline from January 2008 to September 2009. An extension will give both our governments the time necessary to collaborate and reach common-sense border security solutions. This past weekend's arrests of 17 suspected Islamists extremists in Toronto highlight that neither the U.S. nor Canada is immune to terrorism. It is a shared threat, and together we can harness the resources and strategies necessary to keep both our countries safe.

The second part of the PACT Act is designed to ensure that any alternatives to a passport are secure, low-cost and easily obtainable, and that these alternatives are worked on together by the U.S. and Canadian governments.

First, the extension. As you are likely aware, the U.S. Senate adopted an amendment to their immigration bill that extends the deadline until June 2009. My bill echo's this extension but moves the deadline until September 2009. While the Senate agreed on June 2009, I do not think it makes a whole lot of sense to implement new crossing requirements in the middle of the summer tourist season.

An extension is gaining steam as it is becoming more and more obvious that DHS and State are not ready to execute WHTI. Last week, the Government Accountability Office (GAO) -- which is the non-partisan, investigative arm of Congress - reported back to me on their initial observations into the implementation of WHTI. Their findings were hardly a surprise to those of us who have followed WHTI for the past year. GAO confirms that DHS and State have made few programmatic decisions, did not ask for WHTI-related funds in the 2007 budget, and calls into question the agencies ability to meet the 2008 deadline. I request that GAO's report be inserted into the record.

It remains unclear if the House and Senate will agree to an immigration bill this year and, should a deal be reached, if it will include the WHTI extension. But I believe that it is only a matter of when, not if, that Congress grants DHS and State more time to figure this out in collaboration with the Canadian government.

Just as importantly as an extension, I believe it is imperative that Congress steps in and gives DHS and State concrete expectations for the implementation of WHTI. An extended deadline does little on its own to get WHTI "right." It could just be more time for the agencies to drag their feet as communities on both sides of the border guess about when and how WHTI will work.

For these reasons, the PACT Act lays out a series of qualifications and benchmarks that DHS and State must meet in implementing WHTI. It also requires that DHS formally work with the Canadian government to develop alternatives suitable for residents of both countries.

First, the PACT Act requires DHS to evaluate existing documents to determine if slight changes to existing documents - such as a driver's license - can work for WHTI. My bill conditions implementation of WHTI on DHS developing standards for securing driver's licenses with the necessary security features to be adequate to cross the border. Why should we waste taxpayers money creating new cards if small fixes to a document most folks in the U.S. already have - a driver's license - will work just fine?

Secondly, DHS and State have announced that they will create an alternative card, often referred to as the PASS card, that will be good for land travel to Canada. Yet they admit the card will still cost around \$50 dollars and take 4-6 weeks to obtain. We know that most travelers will not go to the extra expense and time of getting this card. My legislation says that if the Bush Administration is serious about the PASS card, it may cost no more than 20 dollars and take no more than 10 days to receive.

WHTI must also expedite the crossing for low-risk frequent travelers. Nearly 50 percent of border crossings are made by just 400,000 people. We need to get these travelers enrolled in programs that expedite their passage and allow our border inspectors to use their limited resources to better inspect high-risk travelers. Fortunately, we already have joint U.S.-Canadian programs that meet these objectives. NEXUS and FAST allow carefully screened applicants access to expedited border crossing lanes without having to be stopped for a lengthy inspection. However, a number of barriers to these programs, such as a high cost of enrollment and few enrollment centers, have prevented NEXUS and FAST from reaching its ideal enrollment rate. The PACT Act expands NEXUS and FAST and addresses the barriers to entry.

More broadly, NEXUS and FAST provide a model for how the U.S. and Canada can work together to achieve stronger security while facilitating low-risk trade and travel. With all that is at stake for our border economies, both governments should use the NEXUS and FAST programs as a blueprint for formally working together on WHTI.

In addition, the PACT Act requires DHS and State to develop a plan to re-admit into the country U.S. travelers who do not possess a passport or an acceptable alternative document. This provision will allow a spontaneous traveler - such as Aunt Tilly from Kansas - the ability to drive over to Niagara Falls, Ontario for a couple of hours before heading back to Kansas, without having to go to the expense of purchasing a new document.

Finally, the Act requires DHS and State to complete a cost-benefit analysis of their final WHTI plan before implementation. A cost-benefit analysis will help DHS evaluate secure and cost-effective options for implementing WHTI, while avoiding adverse effects on legitimate travel and trade with Canada. This analysis will have to prove that the benefits of WHTI outweigh the costs to commerce and travel. This is a high threshold for DHS and State to meet and is an analysis that must be completed prior to moving forward.

These are just a few key features of the PACT Act. It is a bipartisan effort to bring common-sense solutions to this critical problem. I hope my legislation will be useful to both countries looking for ways to improve WHTI, and ensure a smart and secure U.S.-Canada border.

In closing, I want to reiterate that there are many Members of Congress who do understand that WHTI has the potential to inflict major economic damages to both our countries, and are working hard to persuade their colleagues and the Bush Administration to change course. In the end, I hope common-sense will prevail and allow the U.S. and Canada to work together to implement WHTI in a way that increases both border and economic security.

Thank you, again, Senator Grafstein and Senator Angus, for inviting me to Ottawa to testify this afternoon. I would be pleased to answer any questions you may have.